

# UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Circuit Mediation Office

Phone (415) 355-7900 Fax (415) 355-8566

<http://www.ca9.uscourts.gov/mediation>

## MEDIATION QUESTIONNAIRE

The purpose of this questionnaire is to help the court's mediators provide the best possible mediation service in this case; it serves no other function. Responses to this questionnaire are **not** confidential. Appellants/Petitioners must electronically file this document within 7 days of the docketing of the case. 9th Cir. R. 3-4 and 15-2. Appellees/Respondents may file the questionnaire, but are not required to do so.

9th Circuit Case Number(s):	<input type="text" value="15-35452"/>		
District Court/Agency Case Number(s):	<input type="text" value="3:14-cv-06026-BHS"/>		
District Court/Agency Location:	<input type="text" value="Western District of Washington"/>		
Case Name:	<input type="text" value="Northwest School of Safety et al"/>	v.	<input type="text" value="Ferguson et al"/>
If District Court, docket entry number(s) of order(s) appealed from:	<input type="text" value="37"/>		
Name of party/parties submitting this form:	<input type="text" value="Plaintiffs, Northwest School of Safety et al"/>		

Please briefly describe the dispute that gave rise to this lawsuit.

This case involves a constitutional challenge to a Washington state law under 42 U.S.C. § 1983 and the Second and Fourteenth Amendments to the Federal Constitution.

Briefly describe the result below and the main issues on appeal.

The District Court dismissed the case on standing grounds, finding that the Plaintiffs did not have an imminent fear of prosecution. The main issues on appeal are the proper test for standing in the Ninth Circuit where the Plaintiffs are refraining from taking constitutionally protected actions for fear of prosecution and whether the test is met in this case.

Describe any proceedings remaining below or any related proceedings in other tribunals.

No proceedings remain below. The case was dismissed without prejudice and then closed.

Provide any other thoughts you would like to bring to the attention of the mediator.

This case is not appropriate for mediation because the underlying case involves a challenge to the constitutionality of a state law and the issue at hand involves the jurisdiction of the federal courts.

Any party may provide additional information *in confidence* directly to the Circuit Mediation Office at [ca09\\_mediation@ca9.uscourts.gov](mailto:ca09_mediation@ca9.uscourts.gov). Please provide the case name and Ninth Circuit case number in your message. Additional information might include interest in including this case in the mediation program, the case's settlement history, issues beyond the litigation that the parties might address in a settlement context, or future events that might affect the parties' willingness or ability to mediate the case.

## CERTIFICATION OF COUNSEL

I certify that:

a current service list with telephone and fax numbers and email addresses is attached

☒ (see 9th Circuit Rule 3-2).

I understand that failure to provide the Court with a completed form and service list

☒ may result in sanctions, including dismissal of the appeal.

Signature

("s/" plus attorney name may be used in lieu of a manual signature on electronically-filed documents.)

Counsel for

**Note:** Use of the Appellate ECF system is mandatory for all attorneys filing in this Court, unless they are granted an exemption from using the system. **To file this form electronically** in Appellate ECF, complete the form, and then print the filled-in form to PDF (File > Print > PDF Printer/Creator). Then log into Appellate ECF and choose Forms/Notices/Disclosure > File a Mediation Questionnaire.